

11/10/04

9200/2613
DAE#
#15

S/N 09/785,791

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GOLDSTEIN ET AL.	Examiner:	S. AN
Serial No.:	09/785,791	Group Art Unit:	2613
Filed:	FEBRUARY 16, 2001	Docket No.:	12808.12US11
Title:	OPTICAL DEVICE		

RECEIVED

NOV 15 2004

CERTIFICATE UNDER 37 CFR 1.10
'Express Mail' mailing label number: EV408489342US
Date of Deposit: November 8, 2004
I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450
By: [Signature]
Name: David Ortiz

Technology Center 2600

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

1. Applicants hereby petition to withdraw the Notice of Abandonment dated March 24, 2004 for failing to respond to an Office Action dated July 30, 2003. A Notice of Appeal had been timely filed.

2. Applicants received a Notice of Abandonment dated March 24, 2004. The Notice of Abandonment stated that the Application had gone abandoned for failure to file a reply to the Office Action of July 30, 2003.

4. Applicants assert that a Notice of Appeal was timely filed on October 22, 2003 via first class mail.

5. Applicants enclose a copy of the Notice of Appeal along with the transmittal sheets, a copy of the check for the Notice of Appeal, as well as the return postcard. Applicants note that the transmittal sheet includes a Certificate of Mailing with a date of October 22, 2003.

11/12/2004 MAHMED1 00000012 09785791

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6. Applicants assert that the Application should not have gone abandoned and that the Notice of Abandonment was issued erroneously and through no fault of Applicants and/or Applicants' Representative. Applicants assert that the Notice of Abandonment should not have been issued as a response was timely filed.

7. Any delay in filing this Petition has been unintentional.

8. A check in the amount of \$130 for the Petition as required under 35 U.S.C. § 1.17(h) is enclosed.


A speedy and favorable Decision on the Petition is hereby solicited. If a telephone conference would be helpful in this matter, please contact Applicants' Representative at (612) 336-4728.

Respectfully submitted,

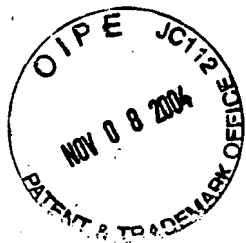
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: _____

11/8/04



Gregory A. Sebald
Reg. No. 33,280
GAS:PLSkaw



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Technology Center 2600

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: GOLDSTEIN ET AL.

For: OPTICAL DEVICE

Docket No.: 12808.12US11

Filed: FEBRUARY 16, 2001

Serial No.: 09/785,791

Due Date: OCTOBER 30, 2003

Date Mailed: October 22, 2003

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences
- ☒ Check(s) in the amount of \$165.00 for Notice of Appeal
- ☒ Return postcard

Patent



GSebald:PLSklg

Requestor:

Vendor # / Name: 1002 Director of the United States Patent and Trademark Office

Check Date: 10/21/03

Check # 415894

VOUCHER INV. #

DATE

ACCT / DEPT#

MATTER #

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MERCHANT & GOULD

A Professional Corporation
An Intellectual Property Law Firm
3200 IDS Center (612) 332-5300
Minneapolis, MN 55402-2215

M&G

No. 415894

Check Date: 10/21/2003

17-1-910

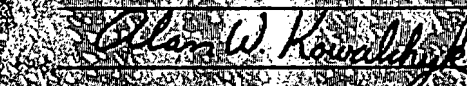
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\$ 165.00

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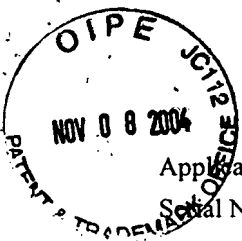
Merchant & Gould P.C.

Director of the United States Patent and Trademark Office



Two Signatures Required For Amounts Exceeding \$5,000

BACK OF DOCUMENT CONTAINS A SECURITY SLOGAN "ORIGINAL DOCUMENT" TO VERIFY AUTHENTICITY.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GOLDSTEIN ET AL.
Serial No.: 09/785,791
Filed: FEBRUARY 16, 2001
Confirmation No.: 5543
Due Date: OCTOBER 30, 2003
Title: OPTICAL DEVICE

Examiner: S. AN
Group Art Unit: 2613
Docket: 12808.12US

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NOV 15 2004

Technology Center 2600

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 22, 2003.

By: 

Name: KATE GANNON

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences
- ☒ Check(s) in the amount of \$165.00 for Notice of Appeal
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Gregory A. Sebald

Reg. No.: 33,280

GSebald:PLSklg



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Technology Center 2600

PATENT

S/N 09/785,791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GOLDSTEIN ET AL. Examiner: S. AN
Serial No.: 09/785,791 Group Art Unit: 2613
Filed: FEBRUARY 16, 2001 Docket No.: 12808.12US11
Title: OPTICAL DEVICE

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By: 

Name: KATE GANNON

NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-40 of the above-identified application, as set forth in the Office Action mailed July 30, 2003.

Our check in the amount of \$165.00 is enclosed to cover the required fee for filing this Notice of Appeal as set forth under 37 C.F.R. § 1.17(b).

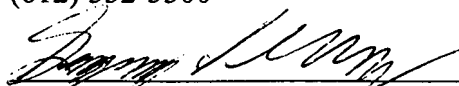
Please charge any additional fees or credit any overpayment to Merchant & Gould P.C., Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 10/22/03**23552**

PATENT TRADEMARK OFFICE


Gregory A. Sebald
Reg. No. 33,280
GAS:PSTklg